

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

SHAWN MICHAEL SNYDER

Plaintiff,

-against-

No. 9:05-CV-01284

**MR. WHITTIER, Corrections Officer,
Washington Correctional Facility; and
MR. FUNNYE, Corrections Officer,
Washington Correctional Facility**

Defendants.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

I. INTRODUCTION

This *pro se* action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. David E. Peebles, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). In a Report and Recommendation dated December 12, 2008, Magistrate Judge Peebles recommended that Defendants' motions for summary judgment [dkt. # 63 & dkt. # 64] be granted and that all remaining claims in the action be dismissed. Plaintiff has filed objections to the recommendation.

II. STANDARD OF REVIEW

When objections to a magistrate judge's Report and Recommendation are lodged, the Court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1)(C). After such a review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." Id.

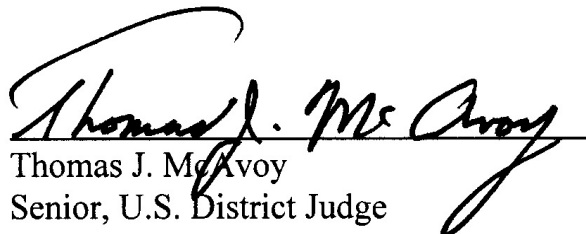
III. DISCUSSION

Having reviewed the record *de novo* and having considered the issues raised in the objections, this Court has determined to accept and adopt the recommendation of Magistrate Judge Peebles for the reasons stated in the December 12, 2008 Report and Recommendation. Therefore, it is hereby

ORDERED that Defendants' motions for summary judgment [dkt. # 63 & dkt. # 64] are **GRANTED** and all remaining claims in the action are **DISMISSED**. The Clerk of the Court is instructed to mark the file in this matter as closed.

IT IS SO ORDERED.

DATED: **March 12, 2009**


Thomas J. McAvoy
Senior, U.S. District Judge